Minutes April 2, 2001

No minutes for April 2, 2001.

Minutes April 3, 2001

Court convened at 9:00am

Panel 1

Present:

Ramirez, P.J.

McKinster, J.

Gaut, J.

Yolanda Burns, Deputy Clerk

E024908 People v. Robert A. Mendez

Merits. Cause called and Cynthia M. Sorman, Esq., argued for appellant; Elizabeth S. Voorhies, Deputy Attorney General, argued for respondent. Cause submitted.

E026281 People v. Samuel G. Hernandez

Merits. Cause called and Manuel U. Araujo, Esq., argued for appellant; Craig S. Nelson, Deputy Attorney General, argued for respondent. Cause submitted.

E026648 People v. Trevor Johnson

E028025 In re Trevor Johnson on Habeas Corpus

Merits. Cause called and David K. Rankin, Esq., argued for appellant; Robert M. Foster, Deputy Attorney General, argued for respondent. Cause submitted.

E026849 People v. David D. Hatch

Merits. Cause called and Susan S. Bauguess, Esq., argued for appellant. Kelley Johnson granted permission by Court to argue; Kelley Johnson, Certified Law Student argued for respondent. Cause submitted.

E026221 People v. Antonio Maxie et al.

Merits. Cause called and Joseph T. Tavano, Esq., argued for appellant Maxie; and Alemayehu G. Mariam, Esq., argued for appellant Payne, James D. Dutton, Deputy Attorney General, argued for respondent. Cause submitted.

E026347 People v. Jose J. Zuniga

Merits. Cause called and Russell S. Babcock, Esq., argued for appellant; Robert M. Foster, Deputy Attorney General, argued for respondent. Cause submitted.

E026653 People v. Brian K. Johnston

Merits. Cause called and William R. Salisbury, Esq., argued for appellant; Anthony DaSilva, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30pm

Panel 2a

Present:

Hollenhorst, Acting P.J.

Richli, J.

Ward, J.

Steve McElroy, Deputy Clerk

E026497 People v. Marcus T. Miller

Merits. Cause called and George A. Winkel, Esq., argued for appellant; Robert M. Foster, Deputy Attorney General, argued for respondent. Cause submitted.

E026525 People v. Matthew Swenson et al.

Merits. Cause called and Lynne G. McGinnis, Esq., argued for appellant Swenson; no appearance for appellant Beal; Robert M. Foster, Deputy Attorney General, argued for respondent. Cause submitted.

E027908 People v. Duquesne Russel Irving

Merits. Cause called and Laurance S. Smith, Esq., argued for appellant; Robert M. Foster, Deputy Attorney General, argued for respondent. Cause submitted.

E026261 People v. Richard C. Miller

Merits. Cause called and Patrick J. Hennessey, Esq., argued for appellant; John T. Swan, Deputy Attorney General, argued for respondent. Cause submitted.

E026690 City of Palm Springs v. Jose E. Guerrero et al.,

Merits. Cause called and Elizabeth Baker, Esq., argued for appellants; Fred Galante, Esq., argued for respondent. Cause submitted.

Minutes April 4, 2001

Court convened at 9:00am

Present:

Ramirez, P.J.

Richli, J.

Gaut. J.

Ann Dee Smith, Deputy Clerk

E027931 Gray Family Corporation v. Paisa, Inc.

Merits. Cause called and Clark Garen, Esq., argued for appellant; Steven L. Bergh, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened.

Present:

Ramirez, P.J.

Richli, J.

Ward, J.

Ann Dee Smith, Deputy Clerk

E027305 Silver Lakes Association v. William Bunch et al.

Merits. Cause called and Peter E. Racobs, Esq., argued for appellant; Dawn M. Swajian, Esq., argued for respondents. Cause submitted.

E027664 Sal Melgoza Trucking et al. v. Loma Linda Medical Ctr et al.

Merits. Cause called and Douglas K. Mann, Esq., argued for appellants; Michael J. Doubet, Esq., argued for respondents. Cause submitted.

E026447 Farfura Ranch et al. v. Imperial Irrigation Dist.

Merits. Cause called and Staychia R. Sena, Esq., argued for appellant Imperial Irrigation District; Arthur B. Fine, Esq., argued for appellants Farfura Ranch et al. Cause submitted.

E027300 California Golf RV Resort et al., v. Desert Golf R.V. Resort et al.

Merits. Cause called and Anthony T. Ditty, Esq., argued for appellants; Wolfgang F. Hahn, Esq., argued for respondents. Cause submitted.

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E027302 County of Riverside v. Erik J. Spring

Merits. Cause called and Richard Stout, Esq., argued for appellant; Jeffrey L, Kastner, Esq., argued for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30pm

Panel 4

Present:

Hollenhorst, J., not present.

McKinster, Acting P. J.

Gaut, J.

Madeline Mozee, Deputy Clerk

Acting Presiding Justice McKinster announced that Justice Hollenhorst is absent. Counsel stipulated to proceeding with oral argument in the absence of Justice Hollenhorst and to the participation of Justice Hollenhorst in the written decision of their case.

Elwood S. Rich v. San Bernardino Superior Court; The People

Merits. Cause called and Richard V. Myers, Esq., argued for petitioner; Elaina Bentley, Esq., argued for real party in interest.. Cause submitted.

E027256 Nicolas M. Castro et al. v. Eli G. Sandoval et al.

Merits. Cause called and Christopher D. Lockwood, Esq., argued for appellants; Thomas J. Stolp, Esq., argued for respondents. Cause submitted.

E027380 TMP Worldwide, Inc. v. A Silverspoons Adoptions et al.

Merits. Cause called and Glen Segal, Esq., argued for appellant; Michael Feinberg, Esq., argued for respondents. Cause submitted.

E026138 Ray Webb v. Margaret Jackson et al.

Cause called. Stanley W. Hodge, Esq., appeared for appellant; David L. Sanner, Esq., appeared for respondents. Attorney Sanner does not stipulate to the absence of Justice Hollenhorst from oral argument. Case is continued; parties will receive written notice of next hearing date. Both parties are to submit further briefing by April 11, 2001, re: pending motion and suggestions for additions to opinion in the event the case is remanded to the trial court.

Court adjourned.

E028401 In re Karrie D. et al., Persons Coming Under the Juvenile Court Law

Department of Public Social Services v. Jamie L. et al.

Opinion

Judgment affirmed. Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

Minutes April 5, 2001

E025616 People v. Francisco Rodriguez

Opinion

Judgment affirmed with directions.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

E027251 People v. Sami McNeil

Opinion

No change in jugment.

Petition for rehearing denied.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

Modification of

Minutes April 6, 2001

E026653 People v. Brian K. Johnston

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

E022653* People v. Patricia Hagen

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J. *CERTIFIED FOR PARTIAL PUBLICATION

E026281 People v. Samuel G. Hernandez

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

E027300 California Golf R.V. Resort Community Association v. Desert Golf R.V. Resort et al.

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Richli, J.

E026221 People v. Antonio Maxie et al.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

Minutes April 9, 2001

E027351 People v. Guillermo Fonseca

Opinion

Judgment Reversed.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

E027135 People v. Wayne Chester Hill

Opinion

Judgment affirmed in part; reversed in part with directions.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E026525 People v. Matthew Patrick Swenson et al.

Opinion

Judgments affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E026261 People v. Richard C. Miller

Opinion

Judgment affirmed.

Ward, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E027261 People v. Eric P. Keith

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E027501 People v. William J. Lambie

Opinion

Judgment affirmed with directions.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

E028011 People v. Ruben D. Sanchez

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

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E027461 In re Trevor W., a Person Coming Under the Juvenile Court Law. People v. Trevor W.

Opinion

Judgment affirmed in part and reversed in part.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E028300 People v. Charles R. Perez

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E028071 In re Delbert S., a Person Coming Under the Juvenile Court Law. People v. Delbert S.

Opinion

Judgment affirmed in part, reversed in part, and remanded with directions.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E026800 People v. Mark Anthony Jones

Opinion

Judgment affirmed.

Gaut, J.

We concur: McKinster, Acting P.J., Richli, J.

E027931 Gray Family Corporation v. Paisa, Inc.; Bank of Yorba Linda

Opinion

Judgment Reversed.

Richli, J.

We concur: Ramirez, P.J., Gaut, J.

E026497 People v. Marcus T. Miller

Opinion

E028243 In re Marcus T. Miller on Habeas Corpus

Judgment affirmed, petition for writ of habeas corpus denied.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

Minutes April 10, 2001

E026787 In re Jerome R., a Person Coming Under the Juvenile Court Law People v. Jerome R.

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E026347 People v. Jose J. Zuniga

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Gaut, J.

E027305 Silver Lakes Association v. William Bunch et al.

Opinion

Judgment affirmed in part, reversed in part and remanded with directions.

Richli, J.

We concur: Ramirez, P.J., Ward, J.

E027103 People v. Hassan Rashidian

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

Minutes April 11, 2001

E027727 Shanghai Aviation Industrial Corporation v. City of Chino Hills et al., Appellants' petition for rehearing denied.

E028115 People v. Thomas William Chadwell

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Gaut, J.

E027565 People v. Anthony Keith Wallace

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

E026849 People v. David D. Hatch

Opinion

Judgment affirmed.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

Minutes April 12, 2001

E026401 People v. Luis A. Preciado

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E028117 People v. Felipe O. Palomino

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Gaut, J.

E026447 Farfura Ranch et al. v. Imperial Irrigation District

Opinion

Judgment affirmed as modified.

Ward, J.

We concur: Ramirez, P.J., Richli, J.

E026882 People v. Linda Wagner

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Gaut, J.

E026443 People v. Cornelius Woods

Modification of

Opinion

Change in judgment.

Ward, J.

I concur: Ramirez, P.J.

E028042 In re Shanesha C., a Person Coming Under the Juvenile Court Law. Department of Children's Services v. Bobby C.

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

Minutes April 13, 2001

E027769 Cheryl Bryant v. Pacwest AP, Inc., et al.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: McKinster, J., Ward, J.

Minutes April 16, 2001

E027236 Anna Kerr v. Sivaland Child Development Opinion

Judgment affirmed in part; reversed in part.

Richli, J.

We concur: McKinster, Acting P.J., Ward, J.

Minutes April 17, 2001

E027450 People v. Gregory L. McAfee

Modification of

Opinion

No change in judgment.

Petition for rehearing denied.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

E027364 People v. Alfred Jackson

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E024908 People v. Robert A. Mendez

Opinion

Judgment affirmed in part, reversed in part with directions.

We concur: Ramirez, P.J., McKinster, J.

People v. Paul Linton Wingfield E025253

Modification of

Opinion

Change in judgment.

McKinster, J.

We concur: Ramirez, P.J., Ward, J.

Minutes April 18, 2001

E027671 People v. John C. Dey

Opinion

Judgment affirmed with modifications.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E028506 In re Mitzie R. et al., Persons Coming Under the Juvenile Court Law. DPSS v. Lorenza R.

Opinion

Judgment affirmed.

McKinster, Acting P. J.

We concur: Ward, J., Gaut, J.

E026765 First American Title Insurance Co. v. Superior Court: Keith Lattie

Opinion

Petition granted.

Hollenhorst, Acting P.J.

We concur: Richli, J., Gaut, J.

E027860 People v. Tyrone Beamon

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

E028051 People v. Jessie Lee

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E026564 People v. William Wendell Perry

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

E026690 Jose E. Guerrero v. Superior Court of the County of Riverside; City of Palm Springs

Opinion

Appeal treated as Original Proceeding, Petition for Writ of Mandate Petition denied.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E027684 People v. Kenneth Jewell Cliff

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E026763 Elwood S. Rich v. San Bernardino Superior Court; The People

Opinion

Petition Denied.

Gaut. J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E026648 People v. Trevor Anthony Johnson

E028025* In re Trevor Anthony Johnson, on Habeas Corpus

Opinion

Judgment affirmed.

Petition denied.

McKinster, J.

We concur: Ramirez, P.J., Gaut, J.

*Considered with appeal

E027302 County of Riverside v. Erik J. Spring

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Richli, J.

E027659 People v. Richard Lee Barron

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E027989 People v. Frank C. Lara

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

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E017379 People v. Bobby J. Jimmerson

Opinion

Judgment affirmed.

Richli, J.

We concur: Ramirez, P.J., Hollenhorst, J.

E027009 People v. Juan I. Lopez

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E027924 People v. Ricardo Cruz Quintana

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

E027857 People v. Ludwig E. Sorge

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

E028676 In re Linda M., a Person Coming Under Juvenile Court Law. DPSS v. Todd M.

Opinion

Judgment affirmed.

Hollenhorst, Acting P. J.

We concur: McKinster, .J., Richli, J.

E026944 People v. Dionicio Plancarte

Opinion

Judgment affirmed. Hollenhorst, Acting P.J.

We concur: McKinster J., Richli, J.

E027677 People v. Richard Lawrence King

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Hollenhorst, J., Gaut, J.

Minutes April 19, 2001

E027972 People v. Martin Wayne VanBuren

Opinion

Judgment affirmed with directions.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

E027842 People v. Francisco Henriquez

Opinion

Judgment affirmed in part, reversed in part and remanded for resentencing.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

E026848 People v. John M. Howell

Opinion

Judgment affirmed as modified.

Hollenhorst, Acting P.J.

We concur: McKinster, J., Richli, J.

E028033 People v. Russell D. Cross

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

Minutes April 20, 2001

No minutes for April 20, 2001.

Minutes April 23, 2001

E027265 People v. James Henry Duran, Jr.

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

E028375 In re Charity J. et al., Persons Coming Under the Juvenile Court Law.

Department of Children's Services v. Jennifer J. et al.

Opinion

Judgment affirmed.

Richli, J.

We concur: McKinster, Acting P.J., Gaut, J.

E027686 People v. William Astor Thomas

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

E026619 People v. Andres Castro

Modification of

Opinion

Order modifying opinion and denying rehearing;

No change in judgment.

Hollenhorst, J.

We concur: Ramirez, P.J., Ward, J.

E027256 Nicolas M. Castro et al. v. Eli G. Sandoval et al.

Opinion

Judgment affirmed in part, reversed in part with directions.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E026607 People v. Charles E. Thomas

Opinion

E028701 In re Charles E. Thomas on Habeas Corpus

Judgment affirmed, petition denied.

Ramirez, P.J.

We concur: Hollenhorst, J., McKinster, J.

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E027958 Adoption of Marjorie C.; Mary M. v. Jennifer C.

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

E026131 People v. James A. Race

Opinion

Judgment affirmed.

E027880* In re James A. Race on Habeas Corpus

Petition denied.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

*To be considered with appeal.

E027380 TMP Worldwide, Inc. v. A Silverspoons Adoptions et al.

Opinion

Judgment reversed with directions.

Gaut, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

Minutes April 24, 2001

E027957 People v. John Andrew McCreary

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E025637 People v. Ralph A. Carrion

Opinion

Judgment affirmed in part; reversed in part with directions..

Gaut, J.

I concur: Hollenhorst, Acting P.J.

I dissent: McKinster, J.

E027908 People v. Duquesne Russel Irving

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E026688 People v. Richard T. Cortez

Opinion

Judgment affirmed as modified.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E028103 People v. Aaron D. Martin

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.

Minutes April 25, 2001

E027381 People v. Dana Russworm

Opinion

Judgment affirmed in part, reversed in part with directions.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

E027206 People v. Nigel D. Moore

Opinion

Judgment affirmed as modified, with directions.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E028600 In re Lexus W. et al., Persons Coming Under the Juvenile Court Law;

Department of Children's Services v. Elroy W.

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Gaut, J.

E027372 People v. Donald S. Lamb

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

E027127 People v. Robert Foster

Opinion

Judgment affirmed.

Gaut, J.

We concur: Ramirez, P.J., Ward, J.

Minutes April 26, 2001

E027246 People v. Jose Luis Herrera

Opinion

Judgment affirmed.

Ward, J.

We concur: Ramirez, P.J., Gaut, J.

E027274 People v. Alejandro C. Valdez

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E026904 Craig B. Alder et al. v. Rotary Club of Temecula

Opinion

Judgment affirmed.

McKinster, Acting P.J.

We concur: Richli, J., Gaut, J.

E027553 People v. Kevin D. Bailey

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E027193 In re the Marriage of Richard B. and Linda A. Beck

Richard B. Beck v. Linda A. Beck

Opinion

Judgment Reversed.

McKinster, Acting P.J.

We concur: Richli, J., Ward, J.

E028189 In re Dylan G., a Person Coming Under the Juvenile Court Law Department of Public Social Services v. Laura A.

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E027905 In re Patrick M., a Person Coming Under the Juvenile Court Law. People v. Patrick M.

Opinion

Judgment affirmed as modified.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

Minutes April 27, 2001

E027461* In re Trevor W., a Person Coming Under the Juvenile Court Law People v. Trevor W. Modification of

Opinion

No change in Judgment.

It is ordered that the opinion filed April 9, 2001, be certified for partial

publication

pursuant to rule 976.

Richli, J.

We concur: Hollenhorst, Acting P.J., McKinster, J.

*Certified for Partial Publication

E028356 People v. Elliot G. Williams

Opinion

Judgment Reversed.

Ramirez, P.J.

We concur: McKinster, J., Richli, J.

E028551 In re Alexis K., a Person Coming Under the Juvenile Court Law Department of Children's Services v. Laquan F. et al.

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

E027811 In re James J. a Person Coming Under the Juvenile Court Law People v. James J.

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Richli, J.

Minutes April 30, 2001

E028023 Harry Lifschutz et al. v. Prem Reddy et al.

Opinion

Judgment affirmed.

Richli, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E027899 In re Aaron B., a Person Coming Under the Juvenile Court Law. People v. Aaron B.

Opinion

Judgment affirmed.

McKinster, J.

We concur: Hollenhorst, Acting P.J., Ward, J.

E027859 People v. Jose Arnuldo Ventura Castillo

Opinion

Judgment affirmed.

Ramirez, P.J.

We concur: Ward, J., Gaut, J.